

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TYRONE FLUKER,	)	
	)	Civil Action No. 3: 16-cv-00017
Petitioner,	)	
	)	United States District Judge
v.	)	Kim R. Gibson
	)	
JAMEY LUTHER and PENNSYLVANIA	)	
BOARD OF PAROLE,	)	
Respondents.	)	

**MEMORANDUM ORDER**

Pending before the Court is the Petition for Writ of Habeas Corpus filed by Petitioner, Tyrone Fluker (ECF No. 1), challenging the Pennsylvania Board of Probation and Parole's decision to deny him parole. The matter was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a Report and Recommendation on May 26, 2016 (ECF No. 11) recommending that the Petition for Writ of Habeas Corpus be dismissed and that no certificate of appealability be issued. Petitioner was served with the Report and Recommendation at his listed address and was advised that he had fourteen days after service of the Report and Recommendation to file written objections to the Report and Recommendation. To date, no objections have been filed nor has Petitioner sought an extension of time in which to do so.

After *de novo* review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 27<sup>th</sup> day of June, 2016:

**IT IS ORDERED** that the instant petition for writ of habeas corpus is **DENIED**.

**IT IS FURTHER ORDERED** that no certificate of appealability shall issue.

**IT IS FURTHER ORDERED** that the Report and Recommendation filed May 26, 2016 (ECF No. 11) is adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson  
United States District Judge

cc: TYRONE FLUKER  
JT-4578  
SCI Laurel Highlands  
P.O. Box 631  
5706 Glades Pike  
Somerset, PA 15501-0631  
(via U.S. First Class Mail)

John C. Manning  
PA Board of Probation and Parole  
(via ECF electronic notification)